

VZCZCXYZ0000
PP RUEHWEB

DE RUEHBO #0955/01 0712044
ZNR UUUUU ZZH
P 112044Z MAR 08
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 1878
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8086
RUEHCV/AMEMBASSY CARACAS PRIORITY 0076
RUEHLP/AMEMBASSY LA PAZ MAR 9300
RUEHPE/AMEMBASSY LIMA PRIORITY 5995
RUEHQT/AMEMBASSY QUITO PRIORITY 6649
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4331
RUEKJCS/SECDEF WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUEAWJC/DEPT OF JUSTICE WASHDC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY

UNCLAS BOGOTA 000955

SIPDIS

SIPDIS

E.O. 12958: N/A
TAGS: [KJUS](#) [PGOV](#) [PREL](#) [PTER](#) [CO](#)
SUBJECT: DECREE ON ADMINISTRATIVE REPARATIONS FOR VICTIMS
MOVES FORWARD

REF: BOGOTA 7761

¶1. Summary: The National Commission of Reparations and Reconciliation (CNRR), Ministry of Interior and Justice (MOIJ), other government agencies, and civil society are consulting on a draft decree to set up an administrative reparations scheme. This would avoid the lengthy delays under the current judicial process and provide immediate benefits to more than 120,000 paramilitary victims. Key provisions include restitution (property and land), indemnity (lump sum cash payments), rehabilitation (physical and psychological), and recognition (symbolic acts). Accion Social would administer the program, with payments proportional to the degree and type of injury incurred. The decree is the first step in creating a national reparations plan. The GOC expects to complete consultations by late March. End Summary.

Comprehensive Reparations Decree in the Works

¶2. Since the GOC's October 2007 announcement that it was considering CNRR's recommendation to implement an administrative process for reparations, behind-the-scenes consultations have taken place among the CNRR, MOIJ and civil society. MOIJ Vice Minister Guillermo Reyes told us a decree setting up an administrative scheme to make reparations to victims should be finalized by late March with implementation starting in December. Funding reparations for over 120,000 registered victims remains a challenge, but Reyes said the GOC is committed to the process. The GOC will consult with victims groups and the international community before issuing the final decree.

¶3. The draft decree creates a four member Committee--the Interior and Justice Minister, Accion Social Director, CNRR President, and another CNRR member representing victims--which will evaluate eligibility and oversee reparations. Accion Social will administer the program. Victims can opt for administrative reparations instead of the judicial route -- but are not precluded from pursuing both as long as they do not receive "double reparations" for the same abuse. The draft decree makes payments proportional to the degree of injury or damage incurred -- for example, \$10,000 for homicide and \$7500 for physical injury. It also sets a deadline of five years for the Committee to review

eligibility and provide payments to all victims, but does not address funding issues.

¶4. Collective reparations are not outlined in detail in the draft decree, but "symbolic measures" discussed in the document will include commemorative and public events to recognize and honor victims, assistance in identifying remains, preferential access to existing social services and housing programs, and public education campaigns promoting international human rights. Some victims have called for a national monument and library to educate the next generation about the armed conflict.

Positive Step...but Details to Resolve

¶5. Luis Manuel Lasso Lozano, a judge who has been tracking the reparations issue, told us the decree was a positive step by the GOC to "repair relations" with victims groups who have criticized the slow reparations process and are resentful of the benefits paid to demobilized paramilitaries under the GOC's reintegration program. Still, the decree fails to recognize those responsible for the crimes and neglects to note any government responsibility. He said it would be unconstitutional to force victims to choose between a judicial or administrative process. CNRR consultant Alex Segovia noted that it was important to ensure reparations provisions were clearly differentiated from existing government welfare programs.

----- Consulting with Victims and International Community -----

¶6. The CNRR held regional consultations in eleven cities in February and March to solicit civil society input on the draft decree. G-24 member representatives will also meet in March to offer comments. The GOC has already engaged diverse groups including the International Organization for Migration--as well as Colombian human rights groups Redepaz and Arco Iris corporation--to seek input. Septel will report on victims' comments on the draft.

Brownfield